

Entered - 02/09/01 - sb  
CL01L0101 - DIANNE C. MITCHELL

01-*R*-0383

CLAIM OF: **AT&T**  
**Room 204, Second Floor**  
**440 Hamilton Avenue**  
**White Plains, New York 10601**

For damages alleged to have been sustained as a result of a severed underground cable on November 5, 1999 at 20 Marietta Street.

THIS ADVERSED REPORT IS APPROVED

BY:   
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0101

Date: February 21, 2001

Claimant /Victim AT&T  
BY: (Atty)(Ins. Co.) \_\_\_\_\_  
Address: Room 204, 440 Hamilton Avenue, White Plains, New York 10601  
Subrogation: Claim for Property damage \$ 1,478.62 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 01/23/01 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 11/05/99 Place: 20 Marietta Street  
Department Public Works Division: \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that during the excavation of the sidewalk at the above named location by the City that its cable was severed. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 02-27-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

JAN 23 2001



AT&T

*MT Mitchell*  
02/08/01  
*DM*

**Corporate Security & Claims**

Room 204, Second Floor  
440 Hamilton Ave.  
White Plains, NY 10601  
800 634-3962  
FAX 914 686-4618

January 16, 2001

City of Atlanta  
Municipal Clerk  
55 Trinity Ave SW  
Atlanta, GA 30335-0332

**ENTERED - 2-9-01 - SB**  
**01L0101 - DIANNE MITCHELL**

Re: AT&T Corporate Claim Number: **150663**  
Damage to AT&T Broadband property

Dear Sir or Madam:

Enclosed, please find the invoice and support documentation for AT&T  
Claim **150663**

AT&T Corporate Claim Number: **150663**, is a bill for damages at 20  
Marietta Street, Atlanta, Georgia. The date the damage occurred was  
**November 5, 1999**.

Direct Damages: \$ 1,478.62

Total Bill Amount **\$ 1,478.62**

**Make the check payable to AT&T**, include AT&T Claim Number:  
**150663** in the Memo field, and submit to the following address:

AT&T Corporate Security & Claims  
Attn: Michael Scarangelo  
440 Hamilton Avenue - Room 204  
White Plains, NY 10601

If you have any questions, please call me on 908-221-4296. A legal rate of  
interest will be added if we do not receive payment within 20 business  
days.

Sincerely,

*Michael Scarangelo*  
Michael Scarangelo  
Claims Manager

**01-R-0383**